

Lebanon Listening Session

Kathy Eneguess: I will declare that this listening session for the New Hampshire Citizens Commission on State Courts is open at five after three and we are located in Lebanon. First of all I'd like to welcome everyone to the listening session for the New Hampshire Citizens Commission on the Courts. My name is Kathy Eneguess and I am Co-chair with Will Abbott who could not join us this afternoon. Will is the Executive Director of the Mount Washington Observatory and lives in Holderness and I live in Jaffrey and I am the President of the New Hampshire Community Technical College in Berlin. Today's session, we will have two parts. The first one is at 3pm to five today. We will take a break and then the second will be from six to eight this evening. Just a minute around the mission of our commission. We have approximately a hundred and five members who were appointed by the Chief Justice of the Supreme Court in April of this year to independently assess the foundation and structure of the delivery of justice by the state court system from the perspective of the 1.2 million citizens of our state. We then will make recommendations for improvements. The purpose of today's session, Thomas Jefferson once wrote that the price of liberty is eternal vigilance. The commission sees its role as providing part of this eternal vigilance to assure that the courts of this state are doing what they are intended to do under New Hampshire Constitution and that in doing so are meeting the expectations of the people whose liberty the Constitution protects. If the public trust and confidence in the judiciary cannot be sustained, our liberty itself could be placed in jeopardy. This commission is interested in your thoughts about how the courts work. We are interested in learning what you think the key issues facing the New Hampshire courts and their work to provide jurisprudence. We are also interested in your ideas for improvement of our judiciary system and in its delivery. Your input can be provided in a variety of ways. Today, obviously, oral comments or at another listening session and we do have a few remaining in other parts of the state. Or you can submit written comments to the commission. You can also send snail mail. Snail mail is located at Post Office Box 419 in Concord, New Hampshire 03302. Or you can also submit any written comments electronically through our web site located at www.nhcitcourts.org or by sending us an email directly to public01@nhcitcourts.org. All of your comments today by email, by snail mail or on our web site are entered into the public record. We've also conducted a public opinion survey with the University of New Hampshire Survey Research Center. We will be releasing the results of this survey, which was done over the summer to gauge general public concern with the courts and its effectiveness. The public input gathered will be used by the commission in the process of deliberating on recommendations it will make to the Chief Justice and the Supreme Court. The commission's plan is to gather public input this fall, deliberate this winter through our research committees and issue a final report in April or May of next year. The commission has so far met three times as a whole group and the next meeting is scheduled for November 14th in Concord. Meetings are open to the public but as you can imagine with that many of us in the room, public participation is limited to those that are on the commission themselves, although members of the public can join us for observation. Today, I will obviously be serving as moderator of this session and my role is to assure that each person attending who wishes to make comments has the time to do so and in an effort to do that we'd like to make our time and your time as productive as

possible. We'd like you to limit your initial comments to five minutes, since today we will have some extra time, I'll let you go as long as you would like to, if in fact any of you wish to testify. We do have until five o'clock and then again as I stated from six to eight. In order to speak we would request that you fill out the three by five card with your name and address so that if in fact we need to contact you afterwards we can certainly do that. If I do receive some cards here this afternoon, I will take them by the order in which I get them. One caution, I would suggest that you avoid temptation to try and retry any case that you might have been involved with in the courts. If you can't do that in five minutes... we know that retrying it would take much longer, so in this five minutes what we would ask you to do is to take the experience from the case that you are involved with and use it to suggest improvements on how the courts function, or don't, if in fact that's your view for you to make suggestions and concrete recommendations Any questions by anyone before we begin this afternoon? (pause) What I'd like to do first is introduce some other members of the commission. If you would like to stand and let us know that you're here this afternoon. Would you like to begin, Dick?

Dick Winters: I'm Dick Winters. I live in Meriden.

Larry Gilpin: Larry Gilpin from Amherst, New Hampshire.

Kathy Eneguess: Would you like to identify yourselves, gentlemen?

Bernie Benn: I'm Bernie Benn from Hanover.

Al Cirone: Al Cirone and I'm the presiding justice here.

KA: Thank you.

Bob: Bob (unknown) from Grafton Superior Court.

KA: Thank you very much. Does anybody have any questions at this time as to our structure and what we're up to? Thank you very much. At this point, Charles Smith. Would you like to join us? You can join us right here and then you'll be recorded through this microphone.

Charles Smith, Jr.: Hi.

KE: Good afternoon.

CS: My name is Charles Smith, Jr. I'm here, I'm from Orford, New Hampshire. And it's mainly in the family courts.

KE: Ok.

CS: I've had to change this a little bit since after I read this. I was in here for the court in 2001 for a domestic violence petition. And what came of that was, I'm not going to read the names of the judge but that matter has been brought forward for modification on the courts own motion and it was a shared custody previously and the court opened it up to a shared, what I assumed from my attorney at the time was that it's going to be someone's gonna file for full custody. My ex did file for that and through this that there was a guardian ad litem appointed and through this many allegations and that's how I get somewhat concerns, several false allegations, four false allegations, one child abuse and three child molestation. And I'll start out first, all of them unfounded. And this lasted throughout the two years of the case, the whole case lasted three years. And a total of nineteen hearings and this, not this one, over there in the family court. And it cost a considerable amount of time for, I was investigated DCYF, SRS, state police, local police, counselors. My daughter went through several examinations, rape kit exams at the hospital, one was three hours in duration. And all of these that took a lot of time and money, but hopefully my daughter never sees the emotional side of this and I don't

believe she did, has, but the false allegations, I use that term, they were obviously not true, they were very thoroughly investigated. Many hours through professionals that investigated this and found no evidence at all of any sort, but it did prolong our case, like I said, that what I thought was going to be a final hearing in three to four months lasted three years. Thousands of dollars, withdrew my entire retirement, my daughter's, what I called her educational fund and there was no recourse for this. You know, and I would like to see that in this is that this is brought forth in the family division and if you're brought up on a count of a child abuse or child molestation, it's a criminal offense. But if there's unfounded...you have no recourse whatsoever and I guess the way that I'm looking at this, this continues to go on throughout the state and that if there was a repercussion or consequence on this then maybe I mean the ones that are false, they wouldn't be brought into court for just a usage. I say it's for a tactic of to...gain custody and it did work. It worked for three years until we finally got a final hearing. And in that final hearing...this is how I was going to bring on to some of my other points that we had shared custody in October of 2001. This was opened up by this Lebanon family court, from the family court, not by a petitioner, the family court opened it up which I thought was so strange. And then my ex filed for full custody and through nineteen hearings of many contempts, that and four allegations that I still ended up with shared custody and that's what we have to this day. But I see many reports where it says you can't with the highly contentious argumentative parents that you can't have a shared custody. And my case is one case that I know of that is totally false. And if we can, if the courts....well I'll use the words as hold both parties to the fire saying hey this is a situation where you both have to look at the best interests of the child and this is where I lead into this, the HB-529 that is in front of the commission that...it basically just says that we're gonna play on the same ball field with the same rules. And everyone is starting at the same level. I've seen many, many different rebuttals on this and it says it can't work with a not cooperative two parents. But if you hold those two parents to the law and as it stands now in New Hampshire, there is no law on family law, that and basically all that 529 is saying is that when you come to this court you're gonna have shared custody unless we can see one or the other is not fit. And it doesn't necessarily have to be the shared custody. Going back a little bit on this that the, the guardian ad litem. I had several and there's one, and I'm not, we're not supposed to put out names, but she was clearly, and I'm not going to use terminology either, she was clearly not of liking of men and she made it very clear to me. And to use, there's a whole guardian ad litem sheet and I didn't bring that with me that you're supposed to fill out with all your...the people that you want the guardian ad litem to speak to and who they're going to...talk to about your personality and there's nothing holding those guardian ad litem that they did talk to these people or did do an investigation. And also the training for the guardian ad litem. I have many fields of training and I think that a two or three day or even a week of training for a guardian ad litem that holds the life of the time a father or mother spends with a child is just atrocious. It's, I can't believe that we still have that in place. And I would recommend for the guardian ad litem one, as they are trained with refresher courses and also held accountable to their training. In the guardian ad litem report that it was just delivered, that was it. It wasn't anything of like, there was cross examinations of how you got this but I'm saying as far as from the courts that they appoint this court, the two parties or I did and we had to pay for that guardian ad litem and then we don't have any recourse on

what that guardian ad litem came up with. And I don't know with in my case the guardian ad litem, the third one, was for shared custody, she did a very in-depth...investigation, stayed in contact with both parties...a lot and she was fair and she was recommending shared custody. The.....let's see..I think, I think you do know both of them, one that the HB-640 is a bill that's passed and it looks at for two parties to write up a....parental guidance or sharing time with the child, but without 529 to start them off somewhere equal, the HB-640 which has very good intentions, I don't believe is going to work. Because this is the way I look at it, and this is where I even teach, I mean, my child is that you have to start out somewhere where it's a fair situation and that if you put someone in that unfair situation then obviously the two parties are not on equal standing grounds. And with this the 529, like I said before, it doesn't say that you will get shared custody, what it's saying is you're coming into this court with the intentions that you're gonna start out equal time. And that doesn't, and I've seen another rebuttal on this that well you can't have a fifty-fifty. I would just like to make it that mine is fifty-fifty and it was a judgement that it is very enjoyable, it's Monday to Monday and if there is conflict which just to let you know, also, we had a very, very high contentious court case here in Lebanon family court and it was written in several of the orders and the last eight months, my ex and myself have gotten along very well dealing with different situations, switching a weekend and it's only because of this court that came up with an order and said that you're gonna have shared custody and I don't want to see you back in this court again. And until them, like I said, it's been nineteen hearings in here, many thousands of dollars, counseling on all parties, DCYF, SRS, police and we're back to where we started from, back in 2001. And none of that, if HB-529 was in place, none of that would have occurred, none of that. There he said listen and obviously you brought him up on this, that it was unfounded, we don't have anything and the judges can also, HB-529 also states that, because I had many, many orders, temporary orders that if a judge writes, a judge would just write ok supervised visits. Doesn't say why, you have no recourse of action for a....a contested...I lost the word here, for an appeal and you just have to wait it out and I waited out my final hearing for three years. HB-529 says that, listen that if you're going to not give shared custody ruling then tell us why, why you're not and the ABC of the mom or the dad. I...I guess reiterating the guardian ad litem training and hold them accountable. The false allegations also held accountable and the courts, the judges and the masters, hold them accountable for writing a ruling....for what they wrote for a ruling, hold them accountable to that. And I have others-

KE: Very good.

CS: - but the others aren't speaking or....

KE: Thank you very much.

CS: Thank you.

KE: If you think of anything else, there's, as I told you earlier there's other ways to let us know. Or you can join us again this evening or later this afternoon.

CS: Super. Thank you.

KE: Thank you very much, Charles. (pause) Would anybody else like to join us? (pause) Ma'am, would you like to join us and make any comment this afternoon?

(unknown speaker): I'm just observing.

KE: Ok. Thank you. Well then at this point, we will still be here until five o'clock in case anyone else joins us but it is now about twenty eight after three and I will close this session unless there is someone else that would like to join us for testimony. Thank you.
END OF AFTERNOON SESSION

EVENING SESSION TO FOLLOW:

Kathy Eneguess: Everybody in this room has been to a hearing previously, would you like me to go through my reading exercise one more time first or would you just like to proceed as a recessed hearing at five pm and now here we are at six. What's your pleasure?

(unknown speaker) : Perhaps the media would like a brief overview?

(other unknown speaker): Sure.

KE: Well, you're, yup ok. And I know that you did receive some information, but let me walk right through the...basically what we have done is to standardize our listening sessions so that we are doing this in a similar fashion in all eleven sessions. The eleven sessions are throughout the state so we do it in the most functional way of reading. (laughs) First I'd like to welcome everyone, this is number seven of our listening sessions for the New Hampshire Citizens Commission on State Courts. My name is Kathy Eneguess and I am Co-chair with Will Abbott. I live in Jaffrey and I'm the President of the New Hampshire Community Technical College in Berlin and Will Abbott is the Executive Director of the Mount Washington Observatory and lives in Holderness. We have agreed to Co-chair this commission. Today's session has had two parts, one this afternoon from three o'clock until five o'clock. The second is this evening from six until eight pm. The mission of the commission, we were appointed by the Chief Justice, all one hundred strong of us in April of this year to independently assess the foundation and structure of the delivery of justice by the state court system from the perspective of the 1.2 million citizens of the state of New Hampshire and to make recommendations for improvements. The purpose of today's session, Thomas Jefferson once wrote that the price of liberty is eternal vigilance. The commission sees its role as providing part of that eternal vigilance to assure that the courts of the state are doing what they were intended to do under New Hampshire Constitution. And that in doing so are meeting the expectations of the people whose liberty the Constitution protects. If public trust and confidence in judiciary cannot be sustained, our liberty itself could be placed in jeopardy. The commission is interested in your thoughts about how the state courts work. We are interested in learning what you think are the key issues facing the courts and their work to provide jurisprudence. We are interested in your ideas you might have for improving the New Hampshire judiciary and its delivery of jurisprudence. Your input can be provided in the form of oral comments this evening or at one of the other listening sessions located throughout the state. You can also submit written comments to the commission through snail mail at Post Office Box 419 in Concord, New Hampshire, 03302. And you can submit written comments electronically through our web site which is located at www.nhcritcourts.org. Or by sending us an email at public01@nhcritcourts.org. All comments made today made by email, snail mail or otherwise are entered into the public record. We also have been conducting a public opinion survey with the University of New Hampshire Survey Research Center. We will be releasing those results of the survey. That survey was done over the summer and the commission did this to gage

general public concerns with the courts and their effectiveness. The public input gathered will be used by the commission in the process of its deliberation on the recommendations that it will then make to the Chief Justice and the Supreme Court. The commissions plan is to continue to gather input this fall, deliberate this winter and issue a final report in April or at least by the end of May. The commission has now met three times and its next scheduled meeting is Monday, November 14th in Concord. Meetings are open to the public, but as you can imagine we are 100 members strong, public participation at the meetings themselves is limited to observation. For this evening's listening session, you have your listening guidelines, are up here, if you'd like to review those prior to any of your speaking. I will be serving as moderator. I also have some colleagues here in the room from the commission, if you'd like to identify yourselves, I know Larry Gilpin has just left but, would you like to identify yourselves?

Dick Winters: My name is Dick Winters. I live in Meriden.

Paul Clements: Paul Clements. I live in Concord.

KE: And this afternoon we had a couple of other commissioners join us. My role is to assure that anyone who wishes to make comments tonight has an ability to do so. And that I would also make a request that we are limiting comments to making recommendations and suggestions. In order to speak, all we ask that you do is to fill out the three by five card with your name and address written on the card and submit it to Julie, who will then hand that card to me and I will take any speakers that are interested in the order that I receive them. I would also suggest that you avoid any temptation to retry a case that you may have been involved in before the courts. First of all, we know you can't do this in five minutes and or even throughout this evening. The commission cannot reverse any court orders, but what we can do is we can listen to your recommendations. We are asking that you take the experience from any case that you have been involved in and use that experience to suggest improvements, make recommendations about how the courts currently function, or don't function, if that happens to be your viewpoint. I will make as much time available, we have until eight o'clock this evening and we are here until eight o'clock this evening if anyone wishes to speak. So, again, if you would please reserve the...making sure that you do not identify individuals within the court system but you certainly make any suggestions that you would like to about how the court functions and at this point I'd just ask if there's any questions about our process? (pause) And I'll take my Larry water. Thank you. I will now declare the hearing is open. It is ten after six. Would anyone like to testify this evening? (pause) Thank you. Michael Brewster from Pittsfield.

Michael Brewster: Here we are again.

KE: Michael, you have joined us many times.

MB: I don't like it. (sighs) What can I talk about today?

KE: I would suggest that you make your recommendations. We've talked about this a couple of times and try and focus your comments to recommendations.

MB: Yes, and I almost forgot. I was leading, over in Portsmouth when I was speaking, I was speaking of our forefathers and you were trying to get me to make a recommendation and, and I didn't quite do that and I think I irritated you people a little bit. But sometimes that's the way we get when we want something from our government, attorneys, our judges, we want a judgement and they don't seem to give it to us. Our right to know, you know, there's, there's a lot of things that they just, they forget, they forget who they're

working for. They're working for we the people. I don't know any more who we the people are. It seems like there's a select few that run New Hampshire and that includes this committee here. I think that this committee here is mostly made up of judges and our Constitution says that judges should be limit themselves to...conflict of interest as much as humanly possible. Who's made up of this group? Well we have some, we got all three branches of this group. You know? One thing that I find when I'm lobbying and this group and every group, there seems to be the same folks that are there looking you in the face behind bars and there's a guy sliding, sliding some sneaky paperwork at you, you know and you gotta answer and they're at the State Capitol building lobbying for monies or lobbying for whatever and you're still facing the same guy and you're still facing the people you're asking the original questions to. I want to see my paperwork. I want, I have the right to know but you don't have the right to know because these same people that are lobbying, there's nobody gonna give you that right to know because you ain't gonna get it. It's just...attorneys that I've had that quit on me during court. They're right in there, too with making laws. So you got all three branch, I don't, this is, this committee is totally wrong. If, one thing you have to do is a pilot flies a lot of people around a year. And it doesn't matter whether he's been a pilot for a week or forty five years. One thing he's gotta do when he gets in that plane is read the instructions. When was the last time anybody from legislature or this office, this hearing, even read the instructions? I think if you find, read the instructions this is the wrong avenue. It's going on the right way, we need, New Hampshire needs something like this going, but not through legislate, not through judicial. It's gotta be through legislature. I mean and, and weed all these people, see I think the bar association, the bar association had their chance of, of setting up laws and everything guiding us but it's a total mess because they haven't been following Constitution. And because they haven't it's just a mess and it ain't gonna get any better and you gotta weed these people out of there. As I came in, you guys had a little roundtable there, that's what I say, we need a roundtable, get people, we don't need to be able to come into a place like this and be checked in, see if we're carrying any arms and, and stuff but I mean we need concerned people, citizens, citizens. When was the last time any judge or any state person says is this good for the citizens, is this what the citizens want? Do the citizens want us courts to steal every little penny they have because they got in an argument and it shouldn't be in court anyway, dealing with children. That's criminal. I mean, when you're the way we're set up, they throw you in civil court, but civil a person has no constitution, they made it so you don't have any Constitutional rights. The state of New Hampshire made it so when you're in their court, this don't come into play. This just, you're just, I don't know what you are. That's.....

KE: Michael, what would a recommendation be for the commission that would be helpful to you?

MB: All right, I have a, I have a feeling like this is gonna be, you have a large number in this commission but I feel that when it comes down to breaking everything up that there won't be....there'll probably be loss of interest and things will follow that same path as it always does, whatever the bar association, it ain't what the people want because we have good schools, UNH got good education, this is dealing with families now. They got the best school there on dealing with, people from around the world goes to UNH and learns about family and kids, but we can't bring those people into court, we just separate them. When you go to hearings they bring in experts and their experts are somebody they just

hired off the street that don't have any clue on what's, you know, what's going on with family life. And even the judges don't know. We don't belong there, I'm telling you.

KE: So, Michael, what would the commission do?

MB: They'd break it up and make it legal, push it over to legislature, get, it should be a roundtable, anybody should, everybody should be welcome, if they have something to say, there will be people of interest. We can work this out, we're talking, you know, everybody disagrees but we need a roundtable, we gotta get talking. And we've gotta get this mess cleared away. You're harming too many people. How many people, why do they keep that such a secret? Why is it such a secret on how many people, kids are taken from their parents? When somebody goes to court, you can't even have friends go in there and here's another thing that tees me off. It's bad enough I been at this so long, I never had, since '82 and, and lawyers just don't want to take my case, I cannot find, I got monies, I cannot find an attorney that will take it because they're going against the bar and so you ask for counsel and the judges, it's the bar association...you can't even bring a counselor in anymore. Our state is one of the few states in, our state is the only state where it used to be able to allow counsel, back when Chief Justice (name omitted) was in trouble, I went to those hearings. I heard him say personally that you can bring a counselor in, that's why I was maybe allowed. I didn't push that point. I was there. Not everybody can bring counsel into court. I've been there. Women, women who's married to judges, when they get a divorce, they can't find an attorney to represent them, if somebody tries to give them a hand that judge is going to tell them to back off and they gotta represent themselves.

KE: Michael, you need to make a recommendation that the commission can assist with. You've been to almost every hearing-

MB: Be Constitutional. Let people, why should such a select few govern all of us? I, it's just not right, this whole system ought to be, it's...it's criminal and there's no place to bring the crime because nobody's interested, you know. (name omitted), (name omitted)-

KE: Michael, we're not speaking of names, remember?

MB: Attorney General's office is chasing around too many people for other reasons rather than-

KE: You need to focus on the commission please.

MB: The commission won't succeed. They need to bring in private, it's not Constitutional...and it needs to belong in legislature.

KE: Ok. Thank you.

MB: I'm the only one talking so why can't I go on?

KE: Well, we don't know that. So, I would suggest that if you choose to come back that you, again, help focus your comments. Thank you. Is there anyone else who would like to speak this evening and bring suggestions or recommendations to the commission? We will be here until eight o'clock if anybody feels that they would like to do that.

MB: May I continue?

KE: You may. And remain focused please.

MB: See, you keep on saying remain focused, that's what I keep on asking them judges-

KE: Well, I'm not a judge-

MB: - to remain focused.

KE: - I'm not a judge-

MB: And I just can't get it.

KE: - but I'm trying to help you understand that you have come before this commission now at every hearing that I have been at except for one and each time all we've asked you to do is make your recommendations. We understand you have some concerns and as you know, we have asked you to follow these guidelines and assist the commission which is made up of two thirds members of the public, not all judiciary, so you have to remember that part when you're making your comments that-

MB: All right.

KE: - we are members of the public.

MB: Not all judiciary, but how many people, how many of those are also members of...another branch of government?

KE: Well, I'm not going to get into a debate with you-

MB: And how many of those people, members on that group are victims? Have you got one victim on that group?

KE: I can't, I don't know what your terminology means.

MB: A victim as far as victim of the government.

KE: Michael, we do a listening session, not a conversation, so I'm asking you remain focused please.

MB: See, that's...that's where...it seems to me like I am a citizen and being a citizen, nope I'm not a citizen, I'm a natural-born. Not being a part of, you people who are a part of government are our servants, you should follow our recommendations, we should be telling you how to lead, not you telling us...natural-borns how to lead. You should take our suggestions.

KE: That's what I'm asking you to provide, would you give me a suggestion, please?

MB: Yeah, for you people to start listening to us and be more friendly to the public.

KE: Ok.

MB: You know, how can I help you, sir? If I wanted paperwork from the government I shouldn't have to not, twenty-three years trying to get some paperwork, that's pretty ridiculous. I mean as far as my child support, I only paid child support six times and out of that six times it's like my paperwork on that is this high, just communication. And they haven't...it doesn't make sense. I got some of it here but...they haven't gave me an answer. I haven't had the opportunity, every time, I never got a remedy out of court. It seems like they just carry on until your kid's sixteen, eighteen and then they forget about you. What about all the kids they take and then, then they turned eighteen they let them loose in the, the whole...the state couldn't even get a permit to baby-sit. I mean, it's so rotten, it's criminal what they do to kids. And my biggest concern is there's too much money running around for people to spend dealing with children. They don't care, the kickbacks through grants and everything, I think it adds up to millions and millions and it's a shame. You take the money out of children and they'd probably go back to church or they'd probably, church groups or or...the Shaker Village. Shaker Village went down because the state took over their children. They used to take in foster kids and stuff but as soon as the state got involved they got more monies and they weren't allowing these kids to go there. I was a member of, my kid was taken, so I was a member of a New England group of women and mostly all women that had their kids taken. And it seemed like it was when they're children it was conflict of interest because the children ended up with state people. People that were directly involved with the state, there's too much conflict of interest. And there's pretty rotten things you hear, you know.

KE: Michael, would you please make suggestions for the commission?

MB: Be Constitutional.

KE: Thank you, appreciate you coming.

MB: I'm the only one, we're here till eight. Is there anybody else got something to talk about?

KE: We are but-

MB: Why can't I just ramble on?

KE: No, you may not just ramble on, that, we need to have focused suggestions.

Rambling we can all, we can turn the hearing off and you can, we can have a conversation if that's what you'd like, but rambling on-

MB: All right.

KE: - and taking up the listening session time is not what these are structured for.

MB: Real quickly, what I've been pushing through, here I am here again. I've been pushing, one thing that's wrong that we gotta fix is we've gotta get rid of 73A. 73A allows the judges to make their own rules, their rules can be called law, we gotta get rid of that, we gotta get rid of the bar association, we gotta get rid of the bullying and people like me who has been...who the state came down and said some pretty rotten things. We ought to be able to have an avenue where we can clean that stuff off our record, why should we have to go out and pay monies and again not get a lawyer so how can things get thrown off our record if we didn't, if it wasn't for the lies that the state said, we wouldn't have those things on our record and those are on there to stay until...I mean, I was part of vocals and there was so many dads that's deceased now that was complaining way back when. They...and no one ever listened to them and they were at it for a long time and here I am, they're deceased and I'm here fifteen years later and they still ain't listening to us. I mean something is drastically wrong here, I shouldn't have to be, I been at this for twenty three years. I been going to legislature for fourteen and not one person really listens. So, I'll see you at the next meeting.

KE: Thank you for coming. Would anybody else like to join us this evening? (pause)

Then I will close this hearing at six twenty five and we will be here until eight o'clock if anybody else wants to join us. Thank you.

KE: Reopen the hearing at ten minutes with Brenda Cioffi.

Brenda Chioffi: Chioffi.

KE: Chioffi. Ok. My friend has the same name and calls it Cioffi. So welcome.

BC: Thank you. I've been coming here for fifteen some odd years. I've had a property management company and I've been selling off some of my properties and I no longer am managing eighteen townhouses for other people as of last year. Just winding down. And I had mounds of paperwork, court paperwork, which I no longer have. Had I known there ever was going to be an opportunity to do this, I would have had a lot more to say. I think it's certainly a good system but there seems to be too many delays and had I kept all my paperwork, I could have given you a lot of specific information. Maybe one example would be filing a small claim, myself as the plaintiff. The defendant has thirty days in which to respond and if they don't respond, the court for some reason, which I've never understood, gives them another thirty days just in case they've been on vacation for a month or whatever. And so that just gives the defendant thirty, you know, a total of sixty days to leave the country and not pay the several thousand dollars that they might owe for damages to an apartment or whatever my case is. And there are numerous instances like

this. I just gave you one with regard to the small claims form. And I really put a lot of this out of my mind because I have been winding down for a couple of years and as I said, had I known I would have had a lot of specifics. But I think that's really my major issue, defendants just have too long to get back to the plaintiff or to the court. And I don't know if that's going to be helpful or not with more specifics without more specific information. KE: If you'd like to offer further information, if you do have some, something that you'd like to share with us, we do have a web site that you can send information to if you'd like to write that down, I can give that to you.

BC: Ok.

KE: We also have a snail mail box as well as...our post office box is 419 in Concord and the zip code is 03302 and you can just address that to the New Hampshire Citizens Commission on State Courts.

BC: So...

KE: Or if you'd like to email us, you can go through the web site that we have available which is www.nhcitcourts.org. And the specific email is public01@nhcitcourts.org. So if you have other suggestions or any of your colleagues that would like to offer opinion to the commission to digest as part of our deliberations, then feel free to send those in because all the commissioners will get everything that you offer us.

BC: Ok. I just want to repeat the web site.

KE: Mm hmm.

BC: Public 0 slash?

KE: 01.

BC: Oh 01.

KE: Correct. Yes.

BC: At nhcit dot court?

KE: No, nhcit c o u r t s-

BC: Oh, ok.

KE: -dot org.

BC: Ok, I got it. Thank you. And can I mention one other thing-

KE: Certainly.

BC: - that I'm going through right now? It's a small claim that's, that actually I got a judgement on here in 2002. And the judge awarded twenty five dollars a month for the defendant, awarded me the judgement and the defendant was to pay twenty five dollars per month. The actual claim was about three thousand dollars, so twenty five dollars a month is going to take, you know, I may not even be living by the time I get all my money and the problem is the defendant has been sporadic in his payments, attending graduate school...I don't know if I can say this or not, to be a doctor. He has graduated. And I'd like to know, and I may have to, maybe I can get some information through this, you know, email and so forth, I don't know, but I've been trying to figure out how can I find out where this defendant is. He just, he's been moving around, he's graduated from school last year, now on his way I guess to becoming a doctor, but where I don't know. I know where his family is, I know the state. I have his address where he was. There is a form that the U.S. Post Office has whereby if you have a court order on someone, a judgment, whatever, anything court related, official document, you can fill out this particular form with the Post Office and get the latest address that they have on the person. And I've been doing this for several years trying to track him down. I'm

constantly going into the web site under search for to see if he may have bought a home because I assume if he's buying anything, eventually it's going to appear in somebody's record, there are so many search companies out there. But he's basically stopped paying now, I haven't, I've sent him a letter, well a letter to his family in California. I never got the letter back so I have to assume that, you know, it's just been deposited in the circular file. And I've also sent him a letter to his last address in Rhode Island and telling him I have moved and please send his check to me at, I did not receive the letter back. So I'm assuming he's got that, he must have received that, I mean I'm assuming, who knows? Normally you get a letter back if, you know, saying the person has moved, or whatever, you know, the reason is and I haven't received that letter back so I want help without having to pay, hire a private detective and pay two thousand dollars to fight. I mean it seems like there should be something in the system beyond what there is. This is just one instance, I have another one who's local and he just moves, I'm out of it now because I'm no longer managing the property that this was involved in. But he just basically moved from New Hampshire to Vermont and the court will not, the court doesn't go from New Hampshire to Vermont. The police can't go there and it seems like we're so close, twin states that there should be some reciprocal agreement where the police can go across the line and take the person to jail. You know, it just doesn't make a lot of sense to me. I mean, it probably does to the court, I guess or, but I don't know what the reason is, so that's another issue I have which I should probably put in writing, is that...?

KE: You could do that but it's on the record and it will be on the web site.

BC: Ok. So what I've said here, do I really need to go through this?

KE: If you have further information.

BC: Additional information?

KE: Correct.

BC: Ok.

KE: Our process is that all the information will be on our web site, which is the web site that I gave you.

BC: Ok.

KE: For all the commission to read-

BC: Oh good.

KE: - and it's all public record.

BC: Oh great. Ok.

KE: Ok?

BC: All right. That's it.

KE: Well thank you very much.

BC: You're welcome, thank you.

KE: Then at five minutes to seven and if anybody else joins us we will be here until eight o'clock. Thank you very much for joining us.

BC: Thank you.

KE: I am going to reopen the hearing at ten after seven and welcome again.

Brenda Chioffi: Thank you. I have three more suggestions for the district court, which I would like to see instituted. And number one is with regard to the judgement, I feel that any judgement should be on the web site, a web site at the courthouse so that one could come in and look up to see if somebody they're having a problem with might already be in there with another problem. And I would also like to see the court require anyone who

has a judgement against them that they, I don't know how it would work, but and I don't know what language to use what I...but I would like to see that the defendant on this judgment be required to notify the court every time they move. So that their judgment could be updated, or something in the system could be updated. Like in my case, if this were in effect now, I could go to the court, look up the judgment and hopefully have the most current address of this defendant and then know where to perhaps go to the court there and do whatever paperwork I need to do to try and get the money out of him through that court system. Of course by that time he might be moving somewhere else, but, and then thirdly I had a...small claim, I actually went to Massena, New York which is about a four hour drive and I had rather a major problem with a tenant here, that was in Claremont. And felt that I really needed to do this, so I filed a small claim in Massena, New York, the defendant actually showed up, he was a principal of a high school there. And I won the judgement and I didn't have to worry about my money. This is very interesting for me and I would like to see the district courts do this here. The court made arrangements for my money to come in three monthly payments out of his salary. And that's how my judgement was satisfied and it was a couple thousand dollars, close to a couple thousand dollars. I never heard of that before but I think that certainly would, and I don't know why, maybe because New York is such a large state, I don't even know if it's throughout New York or just in certain counties that they do this, but if they can do it, why can't New Hampshire do it? Why can't New Hampshire go after their, the judgment money through the salaries of the defendants? That's it for me for the moment.

KE: Thank you very much.

BC: Thank you.

END OF LEBANON LISTENING SESSION